

Notice of Allowability

Application No.

09/852,597

Examiner

Kuen S. Lu

Applicant(s)

CHAPMAN ET AL.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 11, 2005.
2. ☒ The allowed claim(s) is/are 1-86.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date #1-Aug. 11, 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. After a thorough search and examination of the present application and in light of the prior art made of record, Applicant's response of August 11, 2005, Claims 1-86 are allowed. The Applicant's Information Disclosure Statement, filed on August 11, 2005, has been signed by the Examiner as attached.

Reason for Allowable

2. In the Examiner Susan Rayyan's Office Action for Final Rejection of February 11, 2005, 35 U.S.C. § 103, rejections was primarily based on the reference, "New Privista Product Provides Early Warning System to Combat Identity Theft ID Guard to Build Consumer Confidence, Save Companies in Lost Revenues", October 23, 2000 (hereafter "Warning System"). In fulfilling the agreement reached with the Examiner Susan Rayyan for providing a copy of notification of the purchase of Privista, the Applicant provided a copy of NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT of March 19, 2003 (hereafter "NOTICE") which assigned Privista's interest of U.S. Patent Applications 09/737,459 (Filed on 12/14/200) and 09/796,719 (Filed on 02/28/2001) to EQUIFAX, Inc., the rejected claims' assignee. After a thorough review, the Examiner noted the two applications assigned in the NOTICE disclose the subject matter of the Warning System. In light of the evidence as provided, the Examiner recognized the Applicant has overcome the rejections of record.

Further, the subject matter of "generating a credit report for the user and when at least one of said modifications occurs, sending a notification to the user substantially

Art Unit: 2167

contemporaneously with when said at least one modification occurs, to the user that at least one modification has occurred” or its equivalent forms, appearing in the limitation of every independent claim, distinct from the prior art, specifically the notification was sent to user substantially contemporaneously.

After a further review of the above consideration and an update search conducted as described below, the claims 1-86, as amended of January 18, 2005, is hereby allowed.

A search for the prior arts on EAST database has been recently conducted to further extend and update the scope the searches conducted during the past one and half years on domains (EAST, Google, NPL, Oracle, IBM Redbooks, etc). The prior arts searched and investigated in domains (EAST, Google, NPL, Oracle, IBM Redbooks, etc) do not fairly teach or suggest the teaching of the subject matter as previously described and claimed in the independent claims 1, 5, 12, 14, 22, 26, 41, 47, 56, 65, 70 and 76.

The dependent Claims 2-4 and 35, 6-11 and 36, 13-18 and 37, 20-21 and 38, 23-25 and 39, 27-34 and 40, 42-46, 48-55, 57-64, 66-69, 71-75 and 77-86, depending claims 1, 5, 12, 14, 22, 26, 41, 47, 56, 65, 70 and 76, respectively, also distinct from the prior art for the same reason.

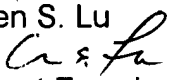
3. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

Contact Information


Art Unit: 2167

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S. Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:30 am-5:30 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R. Homere, Esq. can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Kuen S. Lu

Patent Examiner

October 25, 2005


Luke S. Wassum
Primary Examiner

October 25, 2005